

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEVIN PHILLIPS,)	3:12-cv-00344-RCJ-WGC
)	
Plaintiff,)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	March 26, 2014
)	
C.R. BARD, INC., <i>et al.</i> ,)	
)	
Defendants.)	
)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: _____ FTR

COUNSEL FOR PLAINTIFF: Troy Brenes and Peter Wetherall (Telephonically)

COUNSEL FOR DEFENDANT(S): Richard North and Justin Hepworth

MINUTES OF PROCEEDINGS: Motion Hearing

10:06 a.m. Court convenes to address Defendants' Motion for Reconsideration of Order (Doc. # 143) and several related motions to seal (Doc. ## 144 & 149).

The court first addresses Defendants' Motion to Seal (Doc. # 145) and Plaintiff's Motion to Seal (Doc. # 149). The court finds the parties have satisfied the "good cause" test for sealing documents attached to non-dispositive motions.¹ Therefore, Exhibit A as to Defendants' Motion for Reconsideration Regarding Notice of Deposition of John H. Weiland (Doc. # 144) shall remain sealed, and Defendants' Motion to Seal (Doc. # 145) is **GRANTED**. Additionally, attached to Exhibit B to the Declaration of Troy A. Brenes in Support of Plaintiff's Opposition to Defendants C.R. Bard, Inc. and Bard Peripheral Vascular Inc.'s Motion for Reconsideration of Court's Order Denying Motion for Protective Order Regarding Deposition of John H. Weiland shall remain sealed, and Plaintiff's Motion to Seal (Doc. # 149) is **GRANTED**.

The court next addresses Defendants' Motion for Reconsideration (Doc. # 143)² regarding this court's order (Doc. # 136) pertaining to the deposition of Bard C.E.O. John Weiland under certain parameters. The court hears additional argument regarding the court's order.

¹ *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006).

² Plaintiff filed a response on 3/21/2014 (Doc. # 148). Defendants' replied on 3/25/2014 (Doc. # 151).

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After reviewing the parties' memoranda and hearing arguments of Bard's counsel, the court maintains its position that there are relevant areas of inquiries that Mr. Weiland should answer. Therefore, in the exercise of the court's discretion, the deposition of Mr. Weiland shall proceed. Defendants' Motion for Reconsideration (Doc. # 143) is **DENIED**.

If necessary, the court grants leave to take the deposition of Mr. Weiland past the discovery deadline of April 18, 2014. However, the court reminds the parties that the discovery deadline triggers the deadline for filing dispositive motions, which will require leave of the court for an extension of time.

The court reviews the DVD attached to Defendants' Motion for Reconsideration (Doc. # 143, Exhibit "E") in open court. Although the court recognizes the DVD is an excerpt of just certain areas of questions and answers which transpired during a lengthy deposition, the court expresses its concern regarding plaintiff counsel's decorum and professionalism at the February 5, 2014, deposition of John McDermott. The court cautions counsel to adhere and comply with the standards of professional conduct required of the members of the bar of this court. The court expects counsel to be models of the decorum and will not tolerate anything less than professionalism and civility.

10:57 a.m. Court adjourns.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/
Katie Lynn Ogden, Deputy Clerk